

MATTHEW CATE
INSPECTOR GENERAL

WRITTEN TESTIMONY BEFORE THE LITTLE HOOVER COMMISSION
REGARDING THE REORGANIZATION PLAN FOR THE YOUTH
AND ADULT CORRECTIONAL AGENCY
JANUARY 27, 2005

The Office of the Inspector General investigates and audits the correctional organizations under the Youth and Adult Correctional Agency to uncover criminal conduct, administrative wrongdoing, poor management practices, waste, fraud, and other abuses by staff, supervisors, and management. In effect, the Office of the Inspector General acts as the eyes and ears of the public in overseeing the state's prisons.

The Bureau of Audits and Investigations conducts audits of management practices at institutions, special reviews of programs and administrative and criminal investigations into alleged misconduct by correctional agencies and employees.

The Bureau of Independent Review is responsible for real-time oversight of internal affairs investigations conducted by the California Departments of Corrections and Youth Authority. Staffed initially with attorneys in regional offices throughout the state, the bureau provides contemporaneous oversight as internal affairs investigations are carried out. Investigators, who will be added to the staff of the regional offices this year, will partner with the attorneys to provide a comprehensive oversight team. The bureau's regional offices, now under development in Rancho Cordova, Bakersfield, and Rancho Cucamonga, are expected to be fully operational in the spring of 2005.

Quarterly reports providing a synopsis of each case reviewed by the Bureau of Independent Review, as well as an assessment of the quality of the investigation, the appropriateness of any disciplinary action, the bureau's recommendations regarding the disposition of the case, the level of discipline imposed, and the agreement or lack of agreement between the bureau's recommendations and the agency's actions in the matter will be provided to the Governor and the Legislature and will be posted on the Office's website. The bureau also issues an annual report summarizing its recommendations concerning internal affairs misconduct and use-of-force investigations, including data on the number, type, and disposition of complaints against correctional officers and staff.

To bring public transparency into the operation of the state's correctional system, we now post the findings of every audit on our website, along with quarterly summary reports describing the number of investigations completed, the types of misconduct uncovered, and the discipline meted out. This public posting is critical because prisons are, by their very nature, places where most events occur outside the public view. The public airing of the reports provides a powerful incentive to organizational remedy of the problems afflicting the state's correctional departments and institutions.

Since March of last year the Office of the Inspector General has reorganized its structure, filled 26 positions, established the Bureau of Independent Review, conducted a number of investigations, and embarked on the largest audit project the Office has ever conducted – the Accountability Audit.

The Accountability Audit is a review of how the Department of the Youth Authority, the Department of Corrections, and the Board of Prison Terms responded to recommendations in audits the Office of the Inspector General conducted between 2000 and 2003. Because the number of audits of the two departments and the Board is greater than 30, the Accountability Audit was divided into three sections with each section to be released separately. The first portion of the Accountability Audit, which was released this month, examined the California Youth Authority's response to 241 specific recommendations made in 9 audits. The portions of the Accountability Audit covering the Board of Prison Terms and the Department of Corrections will be issued this spring.

In addition to your request for the current scope of the oversight responsibilities of the Office of the Inspector General and its progress to date, the Commission has asked for my analysis of the Youth and Adult Correctional Agency's (YACA) reorganization plan. Specifically, the Commission asked me to address "whether the proposed reorganization will enable correctional leaders to address the most egregious problems within the Agency and improve correctional outcomes." My analysis and responses to those questions are set forth below.

Fundamental reform of any organization requires the right vision and organizational structure. However, the Agency will not succeed in reaching all its goals unless it also adopts evidence-based programs and executes those programs with excellence. After reviewing the reorganization plan, it appears the plan will engender many benefits, including better communications within the Agency and with other government entities, the elevation of mission-critical services to the Agency level, and a reduction in duplicate services resulting in fiscal efficiency.

Under the reorganization plan, YACA should be operationally more efficient due to a flattened organizational structure. The proposed structure will likely result in better communication between staff responsible for policy and staff responsible for operations, which, in turn, will enable YACA staff to more effectively implement the Secretary's vision. For example, by placing the Office of Legal Affairs at the agency level, information that once rose through the departments and then through the Agency would now be reported directly to the Secretary and/or his staff. The Secretary will receive more accurate information in a more timely manner, and his communications down the chain of command will be received more efficiently.

Additionally, the consolidation of services at YACA that once were duplicated in the Departments of Corrections and the Youth Authority will facilitate better communications with the courts and other state agencies, including the Office of the Inspector General.

The Office of the Inspector General also approves of Agency's efforts to elevate rehabilitative services to the same level as operations and security services. Obviously, such change will assist the Agency in implementing its vision of providing a higher level of rehabilitative and treatment services to inmates and wards, without sacrificing security.

The reorganization also promotes economic efficiencies by reducing redundancy in the functions of many services, including information technology, legal affairs, internal affairs, risk management and labor relations. This consolidation and efficiency has the potential to address some of the Office of the Inspector General's concerns regarding waste within the Agency's current departments.

The reorganization plan will likely have a positive impact on problems the Office of the Inspector General has found in its audits of, and dealings with, the Agency and its departments. For example, the most significant problems the Office of the Inspector General has identified in the Department of the Youth Authority are the continuation of the 23-and-1 practices, and the Department's failure to provide mandated education and mental health services. Raising rehabilitative services to a higher structural level than it is currently will help the Agency make changes that are necessary to addressing the Youth Authority's problems.

Another function that will benefit by being raised to the Agency level is internal affairs investigations. The Office of the Inspector General has found communication difficulties and conflicts within the Department of Correction's internal affairs division. There are inconsistent policies within regional branch offices, differences in operations and policies from institution to institution regarding internal affairs matters, and inconsistent supervision of the department-wide internal affairs operation. The reorganization plan will address these concerns because there will be one policy maker, one person overseeing operations and one person responsible for communicating with the Office of the Inspector General and the federal court. Raising the Office of Internal Affairs to Agency will also allow for more consistent implementation of its programmatic goals. And, it should also be noted that the Office of the Inspector General's Bureau of Independent Review will be able to more effectively help Internal Affairs bring about consistency in its investigation via collaboration and transparency.

Although there are benefits to the reorganization plan, the Office of the Inspector General also has some concerns about it. The first concern relates to the consolidation of responsibilities in the Secretary's office. Adding operational responsibilities will significantly increase the Secretary's workload. The Secretary will need to prepare for the additional duties, including ensuring that his office is adequately staffed.

Another concern lies with whether, under the proposed organizational structure, the operations portion of the Youth Authority should be placed under the same chief deputy secretary who will oversee adult operations. Thus, there exists the possibility that youth operations could be taken in a corrective versus therapeutic direction. This concern could be addressed via the adoption of clearly defined policy based upon a strong rehabilitative model.

Of final concern is the potential for communication difficulties and conflicts within various substantive departments that the Agency will have to overcome. Once again, it will be important for the Secretary to develop strong lines of communication and provide a clear programmatic vision. It will also be necessary for the division and office leaders to meet regularly to discuss areas of conflict and opportunities for collaboration.

In conclusion, the reorganization plan is an excellent step on the way toward reform, but evidence-based programs must be sought and professionally implemented to effectuate needed change. Additionally, the Agency must ensure that those who would be given great responsibilities under the proposed plan are provided with the resources that they need to succeed.

I am grateful for the opportunity to share my thoughts and analysis of the reorganization plan with you. The Office of the Inspector General is hopeful that the plan, if implemented, will help the Agency meet and even exceed its goals.

MATTHEW CATE
Inspector General